IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2007

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THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.48636 OF 2006

S.P.Kavittha .. Petitioner

Vs.

1.The Teachers Recruitment Board,
Rep.by its Chairman,
College Road,
DPI Compound,
Chennai-600 006.

2.The Director of School Education,
DPI Compound,
College Road,
Chennai-600 006. .. Respondents

This writ petition has been preferred under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the first respondent to add '2' marks for the period of weight in employment office to the written examination marks of the petitioner in the written competitive examination for appointment to the post of graduate Assistants in Government Middle/High/Higher Secondary Schools 2006-2007.

For Petitioner : Mr.K.Selvaraj
For Respondents: Mr.P.Gopiraja
Government Advocate

ORDER

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The writ petition is filed for a direction against the first respondent, the Teachers Recruitment Board, to add '2' marks for the period of weight in employment office to the written examination marks of the petitioner in the written competitive examination for appointment to the post of Graduate Assistant in Government Middle/High/Higher Secondary Schools 2006-2007.

2.The issue involved is very narrow in the sense that as per the prospectus issued for Direct Recruitment of Graduate Assistants, after

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verification of certificates for the shortlisted candidates weightage marks are given under 2 categories namely;

i) Period of wait after registration in the employment office and

ii) Experience of teaching in 6 to 10 standard in any recognised school.

As far as the first category i.e. the period of wait after registration in the employment office is concerned, for 1 to 3 years of wait in the employment exchange one mark is given and 3 to 5 years of wait in the employment exchange 2 marks are added and 5 to 10 years of wait in the employment exchange 3 marks are added and 10 years and above weightage of 4 marks are given. Likewise, experience of teaching in VI to X standard in any recognised school is concerned, for 1 to 2 years of teaching experience one mark is given and for 2 to 5 years of teaching experience 2 marks are given and for 5 years and above 3 marks are added under the column of teaching experience.

3.According to the petitioner, her written examination mark is 124 out of 150 and as far as the period of wait after registration in the employment office column is concerned the mark of the petitioner is stated as zero. While in respect of teaching experience in VI to X standard column is concerned it is stated as 2 marks. The writ petition is filed on the basis of the fact that she registered in the employment exchange on 7.5.2002 and therefore she should have given 2 marks under the head of period of wait after registration in the employment exchange. The grievance of the petitioner is that under the period of wait after registration in the employment office 2 marks has to be awarded instead of that it is stated as zero. It is also seen in the mark list that 2 marks have been given under the head of teaching experience. When the matter came up for admission on 14.12.2006, this Court has directed the Government Advocate to take notice and directed the Registry to post the matter for orders.

4.The learned Government Advocate would submit that it is true that the petitioner has got 124 out of 150 in the written examination. The learned Government Advocate further submits as far as the weightage mark is concerned, she is entitled for 2 marks under the head of period of wait after registration in the employment office but instead of that by mistake 2 marks have been added under the column of teaching experience. According to the learned Government Advocate, no record was produced by the petitioner to show that she has having teaching experience for which 2 marks have been awarded and that two marks ought to have been awarded under the head of period of wait after registration in the employment office. In any event by adding the two marks under the head of period of wait after registration in the employment office column instead of teaching experience column, there is no change in the final mark given to the petitioner.

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5.On the other hand, the learned counsel appearing for the petitioner has now produced an additional typed set of papers stating that she has got teaching experience in a recognised school for 2 years and the service certificate has also been produced. The petitioner would also produce the experience certificate countersigned by the educational authorities.

6.A perusal of the service certificates shows that the petitioner has teaching experience for more than 2 years in a recognised school. Further it is relevant to point out that the said certificates were obtained from the concerned school and countersigned by the educational authorities on 19.12.2006 and 20.12.2006 which was after the written examination conducted by the first respondent. The written examination having been conducted in November 2006.

7.The learned Government Advocate would submit that these certificates were never produced at the time of submitting her application and there was no occasion for the respondents to consider the same for the purpose of including any marks for which the fault is not on the part of the respondents and it is only on the part of the petitioner.

8.On the other hand the fact remains that out of 234 total vacancies, 194 post has been filled and there are some vacancies which are yet to be filled. The learned Government Advocate would submit that the petitioner is only now producing the service certificate to show that she has teaching experience in a recognised school especially the educational authorities have countersigned the same. An opportunity ought to be given to the respondents to verify the genuineness of the those service certificates produced by the petitioner for the purpose of awarding the mark on the head of teaching experience and she can be considered for the purpose of including the mark in the next batch of selection. It is seen that the petitioner has made a representation to the first respondent on 23.12.2006 drawing out all the above said facts.

9.I have heard the learned counsel for the petitioner and the learned Government Advocate and also perused the entire records. On the face of it it is true that the petitioner has not performed his obligation. The petitioner has now produced the relevant certificates to show that she has possessed teaching experience so as to enable the respondents to consider the same. On the other hand, it is also seen in the mark sheet of the petitioner that 2 marks have been given for teaching experience which appears to be mistake because it is admitted that the petitioner is eligible for 2 marks under the period of wait after registration in the employment office. In view of the same, I do not think any infirmity in the total marks awarded to the petitioner by the respondents. On the other hand, the fact remains that some more appointments are to be filled up by the respondents. The petitioner has also submitted a representation requesting the first respondent to reconsider the service certificates produced by the petitioner including the genuineness of the same and also

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to decide what is the mark to which the petitioner is eligible. In view of the same, the writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 23.12.2006 and also the teaching experience certificate submitted by the petitioner along with the said representation. It is open to the first respondent to verify the genuineness of those service certificate produced by the petitioner and award the mark which the petitioner is entitled and issue the necessary corrected mark list and to pass consequential orders as to the eligibility of the petitioner for the appointment in the next batch of selection. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

jikr

To

1. The Chairman,
   The Teachers Recruitment Board,
   College Road,
   DPI Compound,
   Chennai-600 006.

2.The Director of School Education,
  DPI Compound,
  College Road,
  Chennai-600 006

1 cc To The Government Pleader, SR.5570.

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BK(CO)
RVL 05.02.2007

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